

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 97-247

July 29, 1997

PUBLIC UTILITIES COMMISSION
Amendment to Chapter 332

ORDER ADOPTING AMENDED
RULE AND STATEMENT OF
FACTUAL AND POLICY BASIS

WELCH, Chairman; NUGENT and HUNT, Commissioners

I. SUMMARY

In this Order, we adopt without modification the revision to Chapter 332, Filing Requirements for Petitions of Public Convenience and Necessary for Purchases of Energy or Fuel Conversion of Generating Facilities, proposed in our Order Commencing Rulemaking issued April 29, 1997. The revision updates the rule to reflect an amendment to 35-A M.R.S.A. § 3133 that allows for waiver of approval requirements under certain circumstances.

II. DISCUSSION

On April 29, 1997, the Commission issued an Order Commencing Rulemaking proposing to amend Chapter 332 of its rules. A copy of the proposed revised rule was attached to the Order. The Order was mailed to all electric utilities in the State, all persons who have requested to receive the Commission's notices of rulemakings, and the Executive Director of the Legislative Council. The Notice of Rulemaking was published by the Secretary of State in accordance with 5 M.R.S.A. § 8053(5). The Order provided persons with an opportunity to comment by June 9, 1997. The Commission did not receive any comments on the proposed revision to the rule.

In 1995, the Legislature amended 35-A M.R.S.A. § 3133 to allow the Commission to waive approval requirements for certain purchases of generating capacity, energy, and transmission capacity, and for fuel conversions of generating facilities. The revision to Chapter 332 adds a new section 4(B) that specifies that the Commission may waive the approval requirements consistent with the statutory amendment. We adopt the amendment as proposed.

Accordingly, we

O R D E R

1. That the attached Chapter 332, Filing Requirements for Petitions of Public Convenience and Necessary for Purchases of

Energy or Fuel Conversion of Generating Facilities, is hereby approved and effective five days after acceptance of filing by the Secretary of State;

2. That the Administrative Director of the Commission shall mail a copy of this Order Adopting Amended Rule and Statement of Factual and Policy Basis and the attached rule to:

- A. All electric utilities in the State;
- B. All persons on the Commission's list of those requesting notice of rulemakings;
- C. The Bureau of Corporations, Elections and Commissions in the Office of the Secretary of State; and
- D. The Executive Director of the Legislative Council (20 copies).

3. That the Administrative Director shall send a copy of this Order and attached rule to the Attorney General for approval as to form and legality, pursuant to 5 M.R.S.A. § 8056(1)(A); and

4. That the Administrative Director shall send a written notice of the adoption of this rule to the Secretary of State on the form provided by the Department of State for that purpose, for publication in accordance with 5 M.R.S.A. § 8053(5).

Dated at Augusta, Maine this 29th day of July, 1997.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Hunt

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note:The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.